

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THOMAS EDWARD FIELDS :
:
v. : CIVIL NO. CCB-12-69
: Criminal No. CCB-08-0241
UNITED STATES OF AMERICA :
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MEMORANDUM

Federal prison inmate Thomas Edward Fields pled guilty to a cocaine conspiracy and was sentenced on November 19, 2009 to 188 months imprisonment. Fields was sentenced as a career offender based on two prior felony crimes of violence and one prior felony drug offense. He now seeks to vacate his sentence under 28 U.S.C. § 2255, alleging ineffective assistance of trial and appellate counsel.¹ For the reasons explained below, his motion will be denied.

Fields' claim that counsel was ineffective rests on his argument that he should not have been sentenced as a career offender. His status as a career offender was based on three prior convictions: one for attempted robbery with a deadly weapon; one for robbery with a deadly weapon; and one for possession with intent to manufacture/distribute narcotics, all as reflected in the presentence report ("PSR") (¶¶ 26, 28, 32). He argued both at trial and on appeal that the attempted robbery conviction was too old to be counted. This court and the Fourth Circuit both rejected this argument, and noted that in any event Fields had a third qualifying conviction. That conviction was subject to a *coram nobis* petition, but the petition had not been granted by the state court.²

Fields' argument about the age of his attempted robbery conviction, as it relates to his violation of probation, has been thoroughly briefed and rejected already by this court and the

¹ The Fourth Circuit appointed new counsel on appeal.

² Indeed, either one or both *coram nobis* petitions filed by Fields apparently now have been denied.

Fourth Circuit. Nor has any meritorious challenge been identified in connection with the other two qualifying felonies. Accordingly, counsel was not ineffective for failing to prevail on their arguments, nor has any prejudice been shown.

Accordingly, a certificate of appealability will be denied and this motion will be dismissed by separate order which follows.

October 16, 2013

Date

/s/
Catherine C. Blake
United States District Judge